

Introduction

To the Federal Communication Commission,

We are deaf student researchers attending Rochester Institute of Technology and the National Technical Institute for the Deaf (RIT/NTID),¹ who took a criminal justice class focused on deaf people in the criminal justice system.² We are delighted to have the opportunity to respond to the FCC's request for comments and submit our recommendations to the FCC.

Problems/Summarizes

Currently, inmates are being treated unfairly because they have to pay such high rates to make a phone call from jail/prison. Unfortunately, these high rates further harm a subsection of inmates, deaf inmates who often must rely on TTYs to make calls even though typing is a slower process than talking or signing. In an environment that is inherently isolating, deaf inmates are isolated furthermore because of dated technology (the TTY) that makes their calls longer and in turn, costlier. Most deaf people now use Internet-based forms of communication such as a videophone (VP), but the majority of jails/prisons only carry TTYs. Many jails/prisons have denied requests for VPs. Adding to deaf inmates' insult is the restrictions on 800-number calling in some jails/prisons that impede deaf inmates' abilities to call a relay service provider from a TTY.

The remainder of this comment is divided into the following parts: (1) a general overview of the experiences of deaf inmates with respect to placing phone calls; (2) an explanation how deaf people increasingly use internet-based forms of relay such as video relay services in lieu of TTY relay services; (3) a discussion on how TTY calls take longer than equivalent voice telephone calls; and (4) an

¹ Yuri Elt, Charles Hine, Andrew Kemp, Natalie Martinez, and Hannah Worek were students in Criminal Justice Honors Research, a course taught by Jennifer Gravitz, J.D., and Michael Stein, J.D. during the winter quarter of the academic year 2012-13.

² We use the general term "deaf" to reference all individuals with hearing disabilities, from those who have a mild hearing loss to those who are profoundly deaf. These individuals may or may not be members of the Deaf community.

explanation how restrictions on calling 800 numbers makes it impossible for some deaf inmates to use relay services.

Letters written by deaf inmates about their experiences indicate difficulty regarding the lack of accessibility to communicate with people outside of jail/prison. They stated that the TTY proved to be an ineffective way of communicating with people outside of jail/prison due to malfunctions in the TTY. Malfunctions include garbled messages, in addition to typos made by the TTY relay operator and/or the TTY user that lead to misunderstandings and/or unsuccessful conversations. Another issue with using the TTY is that some deaf inmates are not skilled writers or readers, thus making communicating through the TTY, a device that relies heavily on the typed use of the English language, difficult and time consuming. The TTY is an outdated technology compared to the more modern and widely used VP, which poses many problems for deaf inmates who are stuck with TTYs. Deaf inmates who only have access to the TTY have a hard time contacting deaf people outside of jail/prison who only use VPs, which further limits their already limited access to the outside world. This is especially crucial in the criminal justice system because inmates are less likely to recidivate when they communicate more frequently with family members outside jail/prison³.

In light of the foregoing, we make the following recommendations: (1) the FCC require that prisons and jails install videophones to make telephone services more accessible to deaf inmates; (2) the FCC require phone service providers to reduce per-minute charges by 85% to account for the increased length of TTY calls; (3) the FCC require that prisons and jails limiting time on the phone provide six to eight times more time for TTY calls; and (4) require that phone service providers ensure that TTY users can reach relay service providers regardless of any restrictions on 800 numbers.

Rapidly Changing Technology and Leads TTYs To Be Obsolete

TTYs first became widespread in the 1960s. However, over the last 15 years, deaf people have been discarding their TTYs in favor of newer technology including internet protocol (IP) relay and video

³ <http://www.prisonpolicy.org/phones/report.html>

relay services (VRS). Given the popularity of internet-based forms of relay, the majority of deaf people no longer use telephone services to make telephone calls. As a result, deaf people often do not incur any telephone bills.

Technology is changing rapidly, and policies created years ago to grant access to deaf inmates are now outdated. Currently, VRS is better qualified to have effective communication with hearing people, and faster than TTYs. VRS also offer benefits for everyone include hearing people because has ten digits instead uses 800 like TTY do. It provides equal and appropriate for deaf inmates because young deaf individuals didn't use TTYs at all. Also its provide less stress for deaf inmates who use American Sign Language as their primary language through VRS because mostly they can't write nor read English so well.

Most young deaf individuals don't know how to use TTY because those devices are obsolete. This is creating unequal communication for deaf inmates can't call to reach someone from jail/prison because they can't use TTY which they are not familiar with this kind of old technology. They may not be familiar with terms like GA (for “go ahead” to indicate that the other person can start typing) and SK (“stop keying” to end the call) that are used during the course of TTY calls. Also, another benefit for deaf people is those modern services which allow them to respond faster within the time limit same as inmates with ‘normal’ ears when they make call without need to exceed the time limit. Though most deaf people use this kinds of technology because it is easier for them to communicate through user-friendly interface instead of the complication of using TTY which excess time for deaf individuals’ time when they reach their time limit because TTY take longer to respond and receive on the basis of typing.

States and federal government spend on building and developing jails/prisons but not updating their policies about services for individuals with disabilities to have accommodations for make calls from their jails/prisons. Those policies are outdated because they use “TTY” instead of focusing on modern technology for deaf people. It leads people to assume that TTY is the only device that deaf people depend on for communicate but there are other options. The FCC should require prisons and jails to

come into the 21st century with respect to telephone access technologies for deaf individuals. Specifically, the FCC should mandate that all prisons and jails acquire videophones and devices for making other forms of relay calls such as IP relay and CapTel and establish policies for their use.

In light of this background, one solution to the difficulties deaf individuals have making TTY calls in jail/prison is for jails/prisons to provide ways for deaf inmates to make internet-based relay calls. These calls would be free. If, however, prisons and jails insist on providing TTYs, the FCC should set guidelines regulating the rates that deaf inmates pay to make TTY calls. This is discussed in the next section.

TTYs: Calls Take Longer

Deaf inmates experience incredible frustration. They are often isolated in an overwhelmingly hearing environment where they experience communication barriers. They experience additional frustration in trying to connect with the outside world through telephone calls that are often difficult to place and/or prohibitively expensive due to obsolete technology and arbitrary restrictions on the length of use. As a result, deaf inmates are denied equal opportunity to make the telephone calls that hearing inmates take for granted.

One researcher claims that the average telephone conversation that takes place using a TTY takes ten times longer than a spoken call (Bruck, 1978). In the request for proposals, the FCC pointed out that a TTY call takes 4 times longer than a spoken call. With such discrepancies, it is best to bring out the numbers and do the calculations.

According to the Typing Institute of America, in order for one to be considered proficient in typing, one has to be able to type 25 words per minute; more than 40% of the American population is not considered proficient in typing.⁴

⁴ <http://www.typinginstituteofamerica.org/how-you-benefit.html>

In another study, the average typing speed was 33 words per minute. However, for composition, the average typing speed was 19 words per minute.⁵ Composition speed is what will be focused on in this paper, as it relates to the speed at which someone can think up words and type them. On the other hand, the average American is able to speak anywhere between 110 to 150 words per minute.⁶ This is considered a conversational speed.

To apply this data to a telephone conversation, the data will be applied to a conversation with 1,000 words. For two slow talking hearing persons to engage in this conversation, it would take them about 9 minutes to speak. For two fast talking hearing persons, it would only take them 7 minutes to speak. Because of the limitations of typing speed, it would take two deaf persons using a TTY 53 minutes to type this conversation. This means that the TTY-TTY call is approximately six to eight times longer than a comparable phone call between two hearing people.

Suppose a jail/prison's telephone rates were 10 cents per minute. For the exact same conversation, it would cost a hearing person between \$.70 for a fast-paced conversation and \$.90 for a slower-paced conversation. It would cost a TTY user \$5.30 to have a comparable conversation with another TTY user. An 85% reduction in price would let that deaf person have that 1,000-word conversation at the price of about \$.80 cents.

Unfortunately, this is not where the problems end. In jails/prisons where there is a 15-minute limit on telephone conversations and a \$1.00 call initiation fee, it would cost a hearing person a total of \$1.70 to \$1.90. A deaf person would not be able to have this conversation under the 15-minute limit, and even if the limit were extended to 20 minutes it still would not be possible to have this conversation. With a 20-minute limit, it would take a deaf person three phone calls for a total of \$8.30.

All these numbers apply only to TTY-to-TTY conversations. Factor in an interpreter and the

⁵ <http://www.keller.com/articles/readingspeed.html>

⁶ <http://www.lisabmarshall.com/uncategorized/how-fast-do-i-speak/>

conversation will take even longer. Some delays that occur involve connecting to a relay operator. Also, the relay operator has to connect to the person that the TTY user would like to call, and then once connected, the relay operator will explain to that person how relay works. After all this, the conversation can finally begin, but the phone call has already begun long before this. During the conversation, there is a delay between the time that the person types and the time that the relay operator speaks the words, as well as a delay between the time that the person speaks and the relay operator types the words. Misunderstandings can only add to the delay. Since hearing people can talk faster than a person can type, the relay operator will often ask the hearing person to slow down or wait so that the relay operator can fully type out everything that that person is saying.

The foregoing calculations demonstrate what we have long known: that deaf inmates face significant discrimination in the current time and financial restrictions in making telephone calls. They pay significantly more to make jail/prison calls and/or are not able to make comparable calls within limited allocated time periods. As far as a correctional facility monitoring the calls they really can't monitor the calls unless someone is standing there with the inmate and understands American Sign Language. If there is a recorded message that is played to people outside the correctional facility the interpreter would relay that information to whoever the inmate called. Whether their company handles calls from inmates, they do have correctional facilities using their services but they are not permitted to disclose who inmates are. Relay service providers also are not permitted to provide usage statistics for their services. It may be due to a prolonged process or procedure in place by the correctional facility.

We make the following recommendations:

1. Since the average TTY-TTY call takes six to eight times longer than the average voice telephone call between two hearing people, the FCC should require prisons and jails that restrict phone usage to allow six to eight times more time for TTY users to make calls.
2. Additionally, given that TTY-TTY calls take six to eight times longer, the price should be reduced accordingly so that a TTY user pays the same price for a comparable call. Our calculations above show that an 85% price reduction would achieve similar overall cost for the two types of calls.

Recommendations

In the previous sections of this letter, we discussed about problems that needs to be resolved on the basis of our suggestions. Those options will improve our system to ensure that we as individuals with disabilities receive equal communication. Those options are such as allowing a TTY to connect via 800 number, extended time limits, reduced costs for using TTY, and replacing TTYs with VPs and internet devices to allow the use of IP-Relay. Also, the FCC should require that state and federal jails/prisons start reviewing and updating their policies for disability accommodations to fit in with modern technologies which are useful to deaf inmates. Those policies were outdated and young deaf individuals are not familiar with old technologies. Please consider to see different possible options for solving these issues. We appreciate that you take your time to read this letter, and understand our concerns about deaf inmates' barring communications due to making calls in state and federal jails/prisons.